

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ZACH HILLESHEIM,

Plaintiff,

vs.

BARRINGTON SHOPPES AT 370, L.L.C.,

Defendant.

8:18CV290**FINDINGS AND
RECOMMENDATION**

Plaintiff filed the Complaint on June 25, 2018. ([Filing No. 1](#)). Based on the record before the Court, it appeared that Plaintiff failed to serve Defendant with notice of this lawsuit, and on October 2, 2018, the Court entered an Order to Show Cause ([Filing No. 5](#)) because more than 90 days had elapsed since the Complaint was filed and Plaintiff had not served Defendant. After review of Plaintiff's response to that show cause order, the Court found Plaintiff's showing of good cause to be "thin" but nevertheless granted Plaintiff an extension to November 16, 2018, to serve Defendant. ([Filing No. 8](#); [Filing No. 9](#)). That deadline passed, and Plaintiff still had not filed any return of service indicating service on Defendant and did not otherwise ask for an extension of the service deadline. Therefore, on November 26, 2018, the Court entered a second Order to Show Cause ([Filing No. 12](#)) setting December 7, 2018, as the deadline for Plaintiff to again provide the Court with evidence of service on Defendant. Plaintiff did not respond to that show cause order. The show cause order warned Plaintiff that failure to timely comply with the order may result in dismissal of the action without further notice. At this time, there is still no indication that Defendant has been served and received notice of this lawsuit, which was filed nearly six months ago. Plaintiff has been provided two opportunities to demonstrate to the Court that Defendant was served under Federal Rule of Civil Procedure 4(m), and has failed to do so. Under the circumstances,

IT IS HEREBY RECOMMENDED to the Honorable Robert F. Rossiter, Jr., United States District Court Judge, that the above-captioned case be dismissed for failure of service pursuant to Federal Rule of Civil Procedure 4(m).

Dated this 10th day of December, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge

ADMONITION

A party may object to a magistrate judge's findings and recommendation by filing an objection within fourteen (14) days after being served with a copy of the findings and recommendation. NECivR 72.2. Failure to timely object may constitute a waiver of any objection.